

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN POTTER	)	
PLAINTIFF	)	CIVIL ACTION
	)	NO: _____
	)	
v.	)	<b>COMPLAINT FOR PATENT</b>
	)	<b>INFRINGEMENT</b>
ALON KARPMAN;	)	<b>JURY TRIAL DEMAND</b>
BROOKLYN WORKSHOP, INC.;	)	
TOYS "R" US, INC.;	)	
HAMMACHER, SCHLEMMER &	)	
COMPANY, INC.	)	
DEFENDANTS	)	

Comes now the Plaintiff, by and through his undersigned counsel, Iandiorio Teska and Coleman, and brings this action for patent infringement against the Defendants. Plaintiff alleges as follows:

PARTIES

1. Plaintiff is a resident of the Commonwealth of Massachusetts, residing in Bedford, Massachusetts. Mr. Potter is a graduate of MIT and an engineer.
2. Upon information and belief, defendant Alon Karpman (Karpman) is a resident of the state of New York, having a residence at 1450 2<sup>nd</sup> Ave, New York, NY 10021. Upon information and belief Mr. Karpman is the CEO and principle shareholder of Defendant Brooklyn Workshop, Inc. and controls, owns, and/or makes all major decisions of the Brooklyn Workshop, Inc.

3. Upon information and belief, defendant Brooklyn Workshop, Inc., is a corporation organized under the laws of the state of New York having a principal place of business at 488 Morgan Ave., Brooklyn, NY 11222.

4. Upon information and belief, defendant Toys “R” Us, Inc. (TRU) is a Delaware corporation having a principal place of business at One Geoffery Way, Wayne, New Jersey 07470.

5. Upon information and belief, defendant Hammacher, Schlemmer & Company, Inc. (Hammacher) is a corporation organized and existing under the laws of the state of New York and has its principal place of business at 9307 N. Milwaukee Ave., Niles, Illinois 60714.

#### JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to the provisions of 28 U.S.C. §§1331 and 1338(a).

7. Venue is proper in the District of Massachusetts pursuant to 28 U.S.C. §1391 and §1400(b).

8. Jurisdiction over the defendants is conferred in that, upon information and belief, the defendants conduct business in the Commonwealth of Massachusetts and sell and offer to sell infringing products in the Commonwealth of Massachusetts.

ALLEGATIONS

9. Plaintiff is the inventor and owner of all right, title, and interest in and to U.S. Patent No. 7,083,178 (“the ‘178 patent”) which was duly and lawfully issued by the U.S. Patent and Trademark Office on August 1, 2006. The ‘178 patent is in force and covers a new type of skateboard.

10. This is an action for patent infringement under the patent laws of the United States, 35 U.S.C. §§ 271 *et seq.*

11. The ‘178 patent-in-suit is presumptively valid and enforceable pursuant to 35 U.S.C. §282.

12. Defendants manufacture, use, offer for sale, and/or sell products which infringe the ‘178 patent, such as the “Freerider” product (hereinafter the “accused products”). Defendant Karpman, upon information and belief, actively aided and abetted infringement on the part of the Defendant Brooklyn Workshop, Inc. with the intent that Defendant Brooklyn Workshop, Inc. infringe the ‘178 patent.

13. Defendants Karpman and Brooklyn Workshop, Inc. have been on notice of the ‘178 patent since November of 2006.

14. Plaintiff recently learned that Defendants Karpman and Brooklyn Workshop, Inc. began offering for sale and selling the accused products through, inter alia, TRU and Hammacher.

COUNT I

INFRINGEMENT BY THE DEFENDANTS

15. Plaintiff restates and realleges each of the allegations in paragraphs 1 through 14 of this Complaint as if fully stated herein.

16. The Defendants infringe and have infringed the '178 patent by making, using, offering for sale, and selling products which infringe the '178 patent. Defendant Karpman has induced infringement of the '178 patent.

17. The Defendants' infringement has been and continues to be willful and deliberate.

18. The Defendants' infringement of the '178 patent has injured Plaintiff and caused him significant financial damage. Defendants' infringement will continue to injure Plaintiff and cause him to suffer financial damages in an amount that will be proven at trial.

19. The Defendants will continue to infringe the '178 patent unless such infringement is enjoined by this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to grant the following relief and any other relief the Court may deem proper:

1. Enter judgment in favor of Plaintiff determining that the defendants, and each of them, infringe and have infringed the '178 patent in violation of 35 U.S.C. §271;
2. Enjoin defendants and their officers, agents, divisions, affiliates, subsidiaries, successors, employees and representatives and all those controlled by or acting in concert or privity with them from infringing the '178 patent;
3. Award Plaintiff monetary damages and attorney fees for infringement, in an amount to be proven at trial;
4. Award Plaintiff treble damages for willful infringement pursuant to 35 U.S.C. §284;
5. Adjudicate this an exceptional case and award Plaintiff the costs of this action and reasonable attorney fees pursuant to 35 U.S.C §285; and
6. Award Plaintiff prejudgment and post-judgment interest, attorney fees, costs and such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiff hereby demands and requests a trial by Jury on all issues that are triable by Jury.

Respectfully submitted,  
Attorneys for the Plaintiff

1/31/11  
Dated

  
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